

**NOTICE OF TYPE II DECISION**  
**SITE DEVELOPMENT REVIEW (SDR) 2004-00002**  
**DARTMOUTH SQUARE**



**120 DAYS = 11/5/2004**  
(Includes a 30-day Extension)

**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** DARTMOUTH SQUARE  
**CASE NO.:** Site Development Review (SDR) SDR2004-00002

**PROPOSAL:** The applicant is requesting Site Development Review approval to construct four (4) single-story commercial buildings totaling 23,000 square feet on a 1.91 acre site within the Tigard Triangle. The existing single-family house and garage will be demolished.

**APPLICANT:** Equity Group Fund 1, LLC  
Attn: Kurt Dalbey  
25115 SW Parkway Ave., Suite C  
Wilsonville, OR 97070

**OWNER:** Donald E. Pollock  
1834 SW 58<sup>th</sup>, Suite 202  
Portland, OR 97221

**APPLICANT'S REP.:** David Bissett & Associates  
Attn: David Bissett  
322 NW 5<sup>th</sup> Avenue  
Portland, OR 97209

**LOCATION:** 11945 SW 70<sup>th</sup> Avenue; WCTM 1S136DC, Tax Lot 4400.

**ZONE:** C-G: General Commercial District. The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a city-wide and even regional trade area. Except where non-conforming, residential uses are limited to single-family residences which are located on the same site as a permitted use.

**APPLICABLE REVIEW**

**CRITERIA:** Community Development Code Chapters 18.360, 18.390, 18.520, 18.620, 18.705, 18.725, 18.745, 18.755, 18.765, 18.780, 18.790, 18.795 and 18.810.

**SECTION II. DECISION**

Notice is hereby given that the City of Tigard Community Development Director's designee has **APPROVED** the above request subject to certain conditions of approval. The findings and conclusions on which the decision is based are noted in Section VI.

## CONDITIONS OF APPROVAL

### THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF SITE PERMITS:

**Submit evidence of complying with the following conditions to the Planning Division. Staff contact: Mathew Scheidegger at 503-639-4171, ext. 2437.**

1. Provide a plan showing all buildings to be within 10 feet from the front (Dartmouth) property line.
2. Submit a plan showing a six-foot pedestrian connection from SW 70<sup>th</sup> to the entrances of the proposed buildings.
3. Provide a plan that shows the east elevation of proposed building #1 to have a minimum of 50 percent of its wall area between three and nine feet as windows.
4. A separate sign permit will be required for all tenant signage prior to installation.
5. Provide documentation indicating the type and species of street trees that are to be used.
6. Provide a revised plan showing parking lot trees to be planted in landscaped islands at intervals of one for every seven parking spaces.
7. Provide a plan that shows wheel stops in accordance to 18.765.040.J "Wheel Stops".
8. Show two bicycle parking stalls per building within 50 feet of the primary entrance of each building.
9. Provide a detail of the bike racks to be used.

**Submit to the Engineering Department (Kim McMillan, 639-4171, ext. 2642) for review and approval:**

10. Prior to issuance of a site permit, A Public Facility Improvement (PFI) permit is required for this project to cover half-street improvements and any other work in the public right-of-way. Eight (8) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. NOTE: these plans are in addition to any drawings required by the Building Division and should only include sheets relevant to public improvements. Public Facility Improvement (PFI) permit plans shall conform to City of Tigard Public Improvement Design Standards, which are available at City Hall and the City's web page ([www.ci.tigard.or.us](http://www.ci.tigard.or.us)).
11. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for the public improvements. For example, specify if the entity is a corporation, limited partnership, LLC, etc. Also specify the state within which the entity is incorporated and provide the name of the corporate contact person. Failure to provide accurate information to the Engineering Department will delay processing of project documents.
12. The applicant shall provide a construction vehicle access and parking plan for approval by the City Engineer. The purpose of this plan is for parking and traffic control during the public improvement construction phase. All construction vehicle parking shall be provided on-site. No construction vehicles or equipment will be permitted to park on the adjoining residential public streets. Construction vehicles include the vehicles of any contractor or subcontractor involved in the construction of site improvements or buildings proposed by this application, and shall include the vehicles of all suppliers and employees associated with the project.
13. Prior to issuance of the site permit, the applicant shall submit a suite layout map to Shirley Treat, Engineering Department. If the applicant is not sure how many suites will be used, they must estimate a number. The City will then assign suite numbers and the address fee will then be calculated. The fee must be paid by the applicant prior to issuance of the site permit. (STAFF CONTACT: Shirley Treat, Engineering).

14. Additional right-of-way shall be dedicated to the Public along the frontage of Dartmouth Street to increase the right-of-way to 36 feet from the centerline. The description shall be tied to the existing right-of-way centerline. The dedication document shall be on City forms. Instructions are available from the Engineering Department.
15. Additional right-of-way shall be dedicated to the Public along the frontage of 70<sup>th</sup> Avenue to increase the right-of-way to 30 feet from the centerline. The description shall be tied to the existing right-of-way centerline. The dedication document shall be on City forms. Instructions are available from the Engineering Department.
16. Additional right-of-way shall be dedicated at the intersection of Dartmouth Street and 70<sup>th</sup> Avenue to provide a minimum 35 foot radius.
17. An 11 foot Preserve strip along the Dartmouth Street frontage shall be required for future street improvements and development shall be setback from this Preserve strip according to the Triangle standards.
18. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, indicating that they will construct the following frontage improvements along SW Dartmouth as a part of this project:
  - A. 6-foot concrete sidewalk with planter strip;
  - B. street trees in the planter strip spaced per TDC requirements;
  - C. streetlight layout by applicant's engineer, to be approved by City Engineer; and
  - D. driveway apron (if applicable).
19. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, which indicate that they will construct a half-street improvement along the frontage of 70<sup>th</sup> Avenue. The improvements adjacent to this site shall include:
  - A. City standard pavement section for a local street from curb to centerline equal to 18 feet, plus an additional 6 feet to provide a minimum 24 foot paved section;
  - B. pavement tapers needed to tie the new improvement back into the existing edge of pavement shall be built beyond the site frontage;
  - C. concrete curb, or curb and gutter as needed;
  - D. storm drainage, including any off-site storm drainage necessary to convey surface and/or subsurface runoff;
  - E. 8-foot concrete sidewalk with a 4 foot planter strip, or a 12-foot sidewalk with street tree grates.
  - F. street trees in the planter strip spaced per TDC requirements;
  - G. street striping;
  - H. streetlight layout by applicant's engineer, to be approved by City Engineer;
  - I. underground utilities;
  - J. street signs (if applicable);
  - K. driveway apron (if applicable); and
  - L. adjustments in vertical and/or horizontal alignment to construct SW 70<sup>th</sup> Avenue in a safe manner, as approved by the Engineering Department.
20. A profile of 70<sup>th</sup> Avenue shall be required, extending 300 feet either side of the subject site showing the existing grade and proposed future grade.
21. The applicant shall obtain approval from the Tualatin Valley Water District for the proposed water connection prior to issuance of the City's Public Facility Improvement permit.
22. The applicant shall provide an on-site water quality facility as required by Clean Water Services Design and Construction Standards (adopted by Resolution and Order No. 00-7). Final plans and calculations shall be submitted to the Engineering Department (Kim McMillan) for review and approval prior to issuance of the site permit. In addition, a proposed maintenance plan shall be submitted along with the plans and calculations for review and approval.

23. The applicant shall provide water quality treatment for the runoff created from the construction of 70<sup>th</sup> Avenue. Final plans and calculations shall be submitted to the Engineering Department (Kim McMillan) for review and approval prior to issuance of the site permit.
24. The applicant shall obtain a 1200-C General Permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.
25. The applicant shall submit preliminary sight distance certification for all driveways and intersections related to this development. Included with the preliminary certification shall be a detailed list of improvements required to produce adequate sight distance.

**THE FOLLOWING CONDITIONS SHALL BE SATISFIED  
PRIOR TO A FINAL BUILDING INSPECTION:**

**Submit to the Planning Department (Mathew Scheidegger, 639-4171, ext. 2437) for review and approval:**

26. Obstructions that may be located in the visual clearance triangle shall be visually clear between three (3) and eight (8) feet in height.
27. Provide a tree mitigation plan for 860-inches.
28. Submit a detailed lighting plan to the Tigard Police Department and Planning Division for review and approval.

**Submit to the Engineering Department (Kim McMillan, 639-4171, ext. 2642) for review and approval:**

29. Prior to a final building inspection, the applicant shall complete the required public improvements, obtain conditional acceptance from the City, and provide a one-year maintenance assurance for said improvements.
30. Prior to final building inspection, the applicant shall provide the City with as-built drawings of the public improvements as follows: 1) 3 mil mylar, 2) a diskette of the as-builts in "DWG" format, if available; otherwise "DXF" will be acceptable, and 3) the as-built drawings shall be tied to the City's GPS network. The applicant's engineer shall provide the City with an electronic file with points for each structure (manholes, catch basins, water valves, hydrants and other water system features) in the development, and their respective X and Y State Plane Coordinates, referenced to NAD 83 (91).
31. Prior to final building inspection, the applicant shall pay \$1,424.50 to the City for the striping of the bike lane along the frontage of Dartmouth Street.
32. Prior to final building inspection, the applicant shall pay funds to the City for the future signalization of 72<sup>nd</sup> Avenue/Dartmouth Street in the amount of \$11,386.00.
33. Prior to final building inspection, the applicant shall pay funds to the City for the future signalization of 68<sup>th</sup> Avenue/Dartmouth Street in the amount of \$9,524.00.
34. To ensure compliance with Clean Water Services design and construction standards, the applicant shall employ the design engineer responsible for the design and specifications of the private water quality facility to perform construction and visual observation of the water quality facility for compliance with the design and specifications. These inspections shall be made at significant stages, and at completion of the construction. Prior to final building inspection, the design engineer shall provide the City of Tigard (Inspection Supervisor) with written confirmation that the water quality facility is in compliance with the design and specifications. Staff Contact: Hap Watkins, Building Division.
35. Prior to a final building inspection, the applicant shall demonstrate that they have entered into a maintenance agreement with Stormwater Management, or another company that demonstrates they can meet the maintenance requirements of the manufacturer, for the proposed onsite storm water treatment facility.

36. Final sight distance certification for all intersections and driveways associated with this development shall be provided by the applicant's engineer.

**THIS APPROVAL SHALL BE VALID FOR EIGHTEEN (18)  
MONTHS FROM THE EFFECTIVE DATE OF THIS DECISION.**

### **SECTION III. BACKGROUND INFORMATION**

Site History:

Staff conducted a search of City records for the Tax Map 1S136DC, Tax Lot 4400. The property has been occupied with a single-family home.

Vicinity Information:

The subject site is located on the north side of SW Dartmouth Street and east of SW 72<sup>nd</sup> Avenue. The site is bordered on the north and west by single-family residential uses.

Site Information and Proposal Description:

The applicant is requesting Site Development Review approval to construct four (4) single-story commercial buildings totaling 23,000 square feet on a 1.91 acre site within the Tigard Triangle. The existing single-family house and garage will be demolished.

### **SECTION IV. COMMENTS FROM PROPERTY OWNERS WITHIN 500 FEET**

Two letters from neighbors were submitted which address the following concerns:

**The maps show SW 70<sup>th</sup> Street extending all the way thru to Atlanta Street, and SW Clinton Street extending thru to 69<sup>th</sup> Avenue. Neither street exists. Clinton Street is currently a dead end with no access from SW 70<sup>th</sup> Avenue. Opening these two streets will increase traffic tremendously. Clinton Street was not cut thru to 69<sup>th</sup> because from 72<sup>nd</sup> Ave. to SW 70<sup>th</sup> is residential and most all families had small children, so the thru traffic was not desired. We still have families with small children living there.**

Staff Response: Staff conducted a search of old zoning maps and found SW Clinton Street to extend through to SW 69<sup>th</sup> and SW 70<sup>th</sup> to extend all the way to SW Atlanta street since 1981. The improvements of Southwest 70<sup>th</sup> Avenue will add additional traffic to SW Clinton Street, however, as already mentioned, the extensions of these streets have been planned for at least 23 years.

**It's assumed that with the advent of the proposed buildings, there will be sewer lines installed. We are concerned that this will result in the whole area down to SW 72<sup>nd</sup> being forced to hook up to sewer lines.**

Staff Response: The applicant will be gaining sewer access from SW Dartmouth Street. Therefore, neighboring properties will not be required to hook up to sewer.

**Would like to see a traffic barrier put up on SW 70<sup>th</sup> Avenue, placed between the driveway of the development and our driveway on the east side of SW 70<sup>th</sup> Avenue. The requested barrier would not impede traffic into or out of this development, or interfere with it in any way. Clear access to both driveways leading into and out of the development would remain. It also would not interfere with the use of our driveway. The requested barrier would prevent traffic from going all the way around the block (to Clinton St.) –traffic that has nothing to do with the neighborhood; traffic that would cause problems. There are small children and pets living in the neighborhood.**

Staff Response: SW 70<sup>th</sup> Avenue is a public street that has been proposed to eventually connect with SW Atlanta Street. The entire area is zoned commercial with existing residential uses. Future development within the Clinton Street area will either be commercial or a higher residential density. Therefore, by allowing SW 70<sup>th</sup> Avenue to connect to SW Clinton Street, the development potential of the area is increased, not to mention easier access to SW Dartmouth for the existing residents.

## **SECTION V. SUMMARY OF APPLICABLE REVIEW CRITERIA**

- A. **Tigard Triangle Design Standards**
  - Street Connectivity
  - Site Design Standards
  - Building Design Standards
  - Signs
  - Landscaping and Screening
- B. **Additional Applicable Development Code Standards**
  - 18.705 (Access Egress and Circulation)
  - 18.725 (Environmental Performance Standards)
  - 18.745 (Landscaping and Screening)
  - 18.755 (Mixed Solid Waste and Recyclable Storage)
  - 18.765 (Off-Street parking and loading requirements)
  - 18.780 (Signs)
  - 18.790 (Tree Removal)
  - 18.795 (Visual Clearance)
- C. **Specific SDR Approval Criteria**
  - 18.360
- D. **Street and Utility Improvement Standards**
  - 18.810
- E. **Impact Study**
  - 18.390

## **SECTION VI. APPLICABLE DEVELOPMENT CODE STANDARDS**

### **A. ZONING DISTRICT**

**Commercial Zoning District: Section 18.520.020**  
Lists the description of the Commercial Zoning Districts.

The site is located in the C-G zoning district: General Commercial.

**Development Standards: Section 18.520.040.B**  
States that Development standards in Commercial Zoning Districts are contained in Table 18.520.2 below:

**(See the Table on the following page)**

**TABLE 18.520.2  
DEVELOPMENT STANDARDS IN COMMERCIAL ZONES**

STANDARD	C-G	Proposed
Minimum Lot Size	None	82,832 sq. ft.
Minimum Lot Width	50 ft.	215.75 ft.
Minimum Setbacks		
- Front yard	0 ft [11]	0-13 ft.
- Side facing street on corner & through lots [1]	-	0 ft.
- Side yard	0/20 ft [8]	10 ft.
-- Rear yard	0/20 ft [8]	100 ft.
- Distance between front of garage & property line abutting a public or private street.	-	-
Minimum Building Height	N/A	N/A
Maximum Height	45 ft	32 ft.
Maximum Site Coverage [2]	85%	68%
Minimum Landscape Requirement	15%	23%
Minimum FAR	N/A	N/A
Minimum Residential Density [4][5][6]	N/A	N/A
Maximum Residential Density	N/A	N/A

1] The provisions of Chapter 18.795 (Vision Clearance) must be satisfied.

[2] Includes all buildings and impervious surfaces.

[4] Notwithstanding the requirements of Section 18.715.020, minimum and maximum density shall be determined for residential only projects using the number of residential units per acre shown in the above table. The provisions for density transfer described in Section 18.715.030.B apply, using the minimum and maximum density shown in the above table. Any mixed-use or commercial only development does not have a minimum density requirement.

[5] For purposes of determining floor area ratio and residential densities, the net development area shall be used to establish the lot area, determined per Section 18.715.020.A.

[6] Adjustments to minimum density in the Washington Square Regional center area subject to the standards set forth in Section 18.630.020.E.

[8] No setback shall be required except 20 feet shall be required where the zone abuts a residential zoning district.

[11] There shall be no minimum front yard setback requirement; however, conditions in Chapters 18.745 and 18.795 must be met.

As demonstrated in the table above, the applicant's plans comply with the dimensional standards of the C-G zone.

**FINDING:** Based on the analysis above, the Development Standards criteria have been satisfied.

**A. TRIANGLE DESIGN STANDARDS (18.620):**

**Design standards for public street improvements and for new development and renovation projects have been prepared for the Tigard Triangle. These design standards address several important guiding principals adopted for the Tigard Triangle, including creating a high-quality mixed use employment area, providing a convenient pedestrian and bikeway system within the Triangle, and utilizing streetscape to create a high quality image for the area.**

**All new developments are expected to contribute to the character and quality of the area. In addition to meeting the design standards described below and other development standards required by the Development and Building Codes, developments will be required to dedicate and improve public streets, connect to public facilities such as sanitary sewer, water and storm drainage, and participate in funding future transportation and public improvement projects necessary within the Tigard Triangle.**

**The following design standards apply to all development located within the Tigard Triangle. If a standard found in this section conflicts with another standard in the Development Code, standards in this section shall govern.**

**The criteria may be adjusted if the adjustment approval criteria, which are found in Section 18.620.090.C.1-4, have been met. The criteria provides that an adjustment may be granted if granting the adjustment will continue to meet the purpose of the standard(s) to be modified in an acceptable alternative manner; and the proposal will not significantly detract from the livability or appearance of an area and the proposal will be consistent with the desired character of the area; and if more than one**

adjustment is being requested, the cumulative effect of the adjustments as well as each individual adjustment results in a project which is still consistent with the overall purpose, goals and standards of the zone; and granting the adjustment is the minimum necessary to allow the proposed use of the site; and any impacts resulting from the adjustment are mitigated to the extent practicable.

**Street Connectivity:**

All development must demonstrate how one (1) of the following standard options will be met. Variance of these standards may be approved per the requirements of Chapter 18.134 where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers prevent street extensions and connections.

**Design Option:**

- a. Local street spacing shall provide public street connections at intervals of no more than 660 feet;
- b. Bike and pedestrian connections on public easements or right-of-way shall be provided at intervals of no more than 330 feet.

**Performance Option:**

- a. Local street spacing shall occur at intervals of no less than eight (8) street intersections per mile;
- b. The shortest vehicle trip over public streets from a local origin to a collector or greater facility is no more than twice the straight-line distance;
- c. The shortest pedestrian trip on public right-of-way from a local origin to a collector or greater facility is no more than one and one-half the straight-line distance.

The applicant has proposed half street improvements to SW 70<sup>th</sup> Avenue. Southwest 70<sup>th</sup> Avenue is approximately 600 feet from SW 72<sup>nd</sup> Avenue and 260 feet from SW 69<sup>th</sup> Avenue. Bicycle and pedestrian access is provided via SW Dartmouth Street and SW 70<sup>th</sup> Avenue. Therefore, this standard has been satisfied.

**Site Design Standards:**

All development must meet the following site design standards. If a parcel is one (1) acre or larger a phased development plan must be approved demonstrating how these standards for the overall parcel can be met. Variance to these standards may be granted if the criteria found in Section 18.370.010C2 (Criteria for Granting a Variance) is satisfied.

The applicant has not proposed a phased development. Therefore, this standard does not apply.

**Building Placement on Major And Minor Arterials And The Street:**

**Buildings shall occupy a minimum of 50 percent of all street frontages along Major and Minor Arterial Streets. Buildings shall be located at public street intersections on Major and Minor Arterial Streets.**

SW Dartmouth Street is considered an Arterial, requiring the proposed buildings to occupy a minimum of 50 percent of the frontage. According to the applicant's plans, the subject site has approximately 388 feet of frontage along SW Dartmouth Street. Therefore, the proposed buildings must occupy 194 feet of the frontage. The applicant has shown the proposed buildings to occupy approximately 300 feet of the Dartmouth frontage. This standard has been satisfied.

**Building Setback:**

**The minimum building setback from public street rights-of-way or dedicated wetlands/buffers and other environmental features, shall be 0 feet; the maximum building setback shall be 10 feet.**

Proposed buildings #1-3 have a front yard setback along SW Dartmouth Street of approximately four feet. Building #4 is shown to be 12 feet from the property line. According to this standard, buildings will be no greater than 10 feet from the property line. Therefore, the applicant is required to provide a plan showing all buildings to be within 10 feet from the front (Dartmouth) property line.

**Front Yard Setback Design:**

Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and a public street or accessway. If a building abuts more than one (1) street, the required improvements shall be provided on all streets. Landscaping shall be developed to an L-1 standard on public streets and an L-2 standard on accessways. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.620.070.

The front yard of the proposed buildings is considered to be the south side of the property, which faces SW Dartmouth Street. The applicant has proposed to plant a low lying ground cover and provide pedestrian access in two locations, building #1 and building #2. The project also abuts SW 70<sup>th</sup> Avenue, which the applicant has again proposed to landscape the areas between the proposed building #1 and SW 70<sup>th</sup> with ground cover, which meets the L-1 landscaping standard. This standard has been satisfied.

**Walkway Connection To Building Entrances:**

A walkway connection is required between the building's entrance and the public street or accessway providing access to the property. This walkway must be at least six (6) feet wide and be paved with scored concrete or modular paving materials. Building entrances at a corner near a public street intersection are encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.620.070.

The applicant has shown two pedestrian walkways from SW Dartmouth Street which opens into a common area that provides access between buildings #1 and #2 and between building #3 and #4. According to the standard, a pedestrian connection is required between a building's entrance and the public street providing access to the property. The subject site takes access from SW 70<sup>th</sup> Avenue. The applicant has shown a walkway extending to SW 70<sup>th</sup>, however, the applicant has shown a bicycle parking area blocking the walkway. Therefore, the applicant is required to submit a plan showing a six-foot pedestrian connection from SW 70<sup>th</sup> to the entrances of the proposed buildings.

**Parking Location and Landscape Design:**

Parking for buildings or phases adjacent to public street rights-of-way must be located to the side or rear of newly constructed buildings. If located on the side, parking is limited to 50% of the street frontage and must be behind a landscaped area constructed to an L-1 Landscape Standard. The minimum depth of the L-1 landscaped area is five feet or is equal to the building setback, whichever is greater. Interior side and rear yards shall be landscaped to an L-2 Landscape Standard, except where a side yard abuts a public street, where it shall be landscaped to an L-1 Landscape Standard.

The proposed parcel abuts SW Dartmouth Street and SW 70<sup>th</sup> Avenue. The applicant has shown the associated parking to be located to the rear of the site, behind the proposed buildings. However, the subject parcel is a corner lot. Therefore, this standard also applies to SW 70<sup>th</sup> Ave. The applicant has shown the proposed parking and access to occupy 47 percent of the frontage along SW 70<sup>th</sup>, which is less than the maximum allowed. This criterion has been satisfied.

**Building Design Standards:**

All non-residential buildings shall comply with the following design standards. Variance to these standards may be granted if the criteria found in Section 18.370.010 (Criteria for Granting a Variance) is satisfied.

**Ground Floor Windows:**

All street-facing elevations within the Building Setback (0 to 10 feet) along public streets shall include a minimum of 50 percent of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from three (3) feet above grade to nine (9) feet above grade the entire width of the street-facing elevation. The ground floor window requirement shall be met within the ground floor wall area and for glass doorway openings to ground level. Up to 50 percent of the ground floor window requirement may be met on an adjoining elevation as long as all of the requirement is located at a building corner.

According to the plans submitted, buildings #1 through #3 facing SW Dartmouth Street have a ground floor window percentage of 63 percent between three and nine feet above grade. Proposed building #4 has 52 percent of its street-facing elevation between three and nine feet as windows. Proposed building #1 faces SW 70<sup>th</sup> Avenue and has a ground floor window percentage of 44 percent. Therefore, the applicant is required to provide a plan that shows the east elevation of proposed building #1 to have a minimum of 50 percent of its wall area between three and nine feet as windows.

#### **Building Facades:**

**Facades that face a public street shall extend no more than 50 feet without providing at least one (1) of the following features: (a) a variation in building materials; (b) a building off-set of at least 1-foot; (c) a wall area that is entirely separated from other wall areas by a projection, such as an arcade; or (d) by another design features that reflect the building's structural system. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building.**

Proposed buildings #1-4 face SW Dartmouth Street. According to the site plan, the buildings provide a one foot offset at intervals of 25 feet (frontage of each building is approximately 75 feet). This criterion has been satisfied.

#### **Weather Protection:**

**Weather protection for pedestrians, such as awnings, canopies, and arcades, shall be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway. Awnings and canopies shall not be backlit.**

Weather protection is provided at building entrances and along the frontages abutting pedestrian walkways with canopies and covered entries. This standard has been satisfied.

#### **Building Materials:**

**Plain concrete block, plain concrete, corrugated metal, plywood, sheet pressboard or vinyl siding may not be used as exterior finish materials. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 2 feet.**

Building materials on the exterior include split face CMU, cultured stone veneer, brick, shingle siding, stone veneer, steel canopies and storefront window and door systems. This criterion has been satisfied.

#### **Roofs And Roof Lines:**

**Except in the case of a building entrance feature, roofs shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.**

The proposed buildings do not have false fronts or false roofs, the applicant is proposing a built-up roof with parapets with brick and siding extending up the exterior side of parapet walls to the metal cornice/cap flashing as an expression of the proposed architectural style. Therefore, this standard has been satisfied.

#### **Roof-Mounted Equipment:**

**All roof-mounted equipment must be screened from view from adjacent public streets. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized. Solar heating panels are exempt from this standard.**

All roof mounted equipment has been proposed to be screened from the adjacent street views by the parapet walls. Therefore, this standard has been satisfied.

#### **Signs:**

**In addition to the requirements of Chapter 18.780 of the Development Code, the following standards shall be met:**

**Zoning District Regulations:**

Non-residential development within the C-G zone shall meet the sign requirements for the commercial zones, (18.780.130.C).

**Sign Area Limits:**

The maximum sign area limits found in Section 18.780.130 shall not be exceeded. No area limit increases will be permitted within the Tigard Triangle.

**Height Limits:**

The maximum height limit for all signs except wall signs shall be 10 feet. Wall signs shall not extend above the roofline of the wall on which the sign is located. No height increases will be permitted within the Tigard Triangle.

**Sign Location:**

Freestanding signs within the Tigard Triangle shall not be permitted within required L-1 landscape areas.

The applicant has indicated that wall signage is proposed for this project. The signage will not exceed 15% gross of the wall it is mounted on. No specific sign has been proposed at this time. A separate sign permit will be required for all tenant signage prior to installation. Signs are addressed later in this decision. This standard has been satisfied.

**Landscaping and Screening:**

Two (2) levels of landscaping and screening standards are applicable to the Tigard Triangle. The locations where the landscaping or screening is required and the depth of the landscaping or screening are defined in other sub-sections of this section. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.

**L-1 (Low Screen):**

For general landscaping of landscaped and screened areas within parking lots, local collectors and local streets, planting standards of Chapter 18.745 Landscaping and Screening, shall apply. The L-1 standard applies to setbacks on major and minor arterials. Where the setback is a minimum of 5 feet between the parking lot and a major or minor arterial, trees shall be planted at 3½ inch caliper, at a maximum of 28 feet on center. Shrubs shall be of a variety that will provide a 3-foot high screen and 90 percent opacity within one (1) year. Groundcover plants must fully cover the remainder of landscape area within two (2) years. Any tree planted in excess of a 2 inch caliper shall be eligible for full mitigation credit.

Parking lot landscaping is addressed later in this decision (Chapter 18.745, Landscaping and Screening).

**L-2 (General Landscaping):**

For general landscaping of landscaped and screened areas within parking lots, local collectors and local streets, planting standards of Chapter 18.745 Landscaping and Screening, shall apply. Trees shall be provided at a minimum 2½ inch caliper, at a maximum spacing of 28 feet. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two (2) years. Any tree planted in excess of a 2 inch caliper shall be eligible for full mitigation credit.

Parking lot landscaping is addressed later in this decision (Chapter 18.745, Landscaping and Screening).

**FINDING:** Based on the analysis above, the Tigard Triangle Design standards have not been met. However, if the applicant complies with the conditions below, the standards will be met.

**CONDITIONS:**

- ◆ Provide a plan showing all buildings to be within 10 feet from the front (Dartmouth) property line.
- ◆ Submit a plan showing a six-foot pedestrian connection from SW 70<sup>th</sup> to the entrances of the proposed buildings.

- ◆ Provide a plan that shows the east elevation of proposed building #1 to have a minimum of 50 percent of its wall area between three and nine feet as windows.
- ◆ A separate sign permit will be required for all tenant signage prior to installation.

## **B. ADDITIONAL APPLICABLE DEVELOPMENT CODE STANDARDS**

The Site development Review approval standards require that a development proposal be found to be consistent with the various standards of the Community Development Code. The applicable criteria in this case are Chapters 18.360, 18.370, 18.390, 18.520, 18.705, 18.745, 18.755, 18.765, 18.775, 18.780, 18.790, 18.795, and 18.810. The proposal's consistency with these Code Chapters is reviewed in the following sections.

### **Access, Egress and Circulation (18.705):**

#### **Access plan:**

No building or other permit shall be issued until scaled plans are presented and approved as provided by this chapter that show how access, egress and circulation requirements are to be fulfilled. The applicant shall submit a site plan. The Director shall provide the applicant with detailed information about this submission requirement.

The applicant has provided plans showing access from SW 70<sup>th</sup> Avenue. Therefore, this standard has been satisfied.

#### **Joint access:**

Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the combined requirements as designated in this title, provided: Satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and copies of the deeds, easements, leases or contracts are placed on permanent file with the City.

The proposed buildings are located on the same tax lot. Therefore, Joint access agreements are not necessary.

#### **Public street access:**

All vehicular access and egress as required in Sections 18.705.030H and 18.705.030I shall connect directly with a public or private street approved by the City for public use and shall be maintained at the required standards on a continuous basis.

The proposed building will be accessible from SW 70<sup>th</sup> Avenue, which will be maintained as a public street. Therefore, this criterion has been satisfied.

#### **Curb cuts:**

Curb cuts shall be in accordance with Section 18.810.030N: Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in this chapter and Section 15.04.080: Concrete curbs and driveway approaches are required; except where no sidewalk is planned, an asphalt approach may be constructed with City Engineer approval and Asphalt and concrete driveway approaches to the property line shall be built to City configuration standards.

No driveway approach shall be less than five feet from the side property line projected except in cul-de-sacs, without approval and written permission of the city. The end slopes may encroach within the five foot restricted area. No portion of any driveway approach, including the end slopes, shall be located closer than thirty feet to an intersection street right-of-way line. Commercial or service drives shall not be more than thirty feet in width and if located on the same lot frontage shall be separated by a minimum length of curb of thirty feet. Each residential driveway shall be not more than twenty-six feet in width including end slopes, and if more than one driveway is to be constructed to serve the same lot, the frontage spacing between such driveways shall be not less than thirty feet measured along the curb line. Joint access driveways shall conform to the appropriate width standard for commercial or residential type usage.

According to the standard above, concrete curbs and driveway approaches are required; except where no sidewalk is planned, approaches may be built at the property line. The subject site is accessed by SW 70<sup>th</sup> Avenue, which will be built with a sidewalk on the west side of SW 70<sup>th</sup> abutting the subject site. This standard has been satisfied.

**Walkways:**

**On-site pedestrian walkways shall comply with the following standards: Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Unless impractical, walkways shall be constructed between new and existing developments and neighboring developments;**

The applicant has shown two pedestrian walkways from SW Dartmouth Street which opens into a common area that provides access between buildings. A pedestrian walkway has been conditioned to be provided off of SW 70<sup>th</sup> Avenue. Therefore, this standard has been satisfied.

**Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum 6-inch vertical separation (curbed) or a minimum 3-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards;**

The applicant has been conditioned earlier in this decision under Chapter 18.620 (Tigard Triangle Design Standards) to provide a walkway that extends to SW 70<sup>th</sup> Avenue. Therefore, if the walkway to SW 70<sup>th</sup> crosses the proposed parking area, it will have to show appropriate markings, contrasting pavement materials or a vertical separation where walkways cross parking areas.

**Required walkways shall be paved with hard surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways may be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.**

The applicant has indicated that proposed walkways will be constructed of scored concrete. Therefore, this standard has been met.

**Access Management (Section 18.705.030.H)**

**Section 18.705.030.H.1 states that an access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the City and AASHTO.**

A Traffic Impact Study was prepared for this project by Lancaster Engineering, dated March 2004. The report did not include any discussion of the required sight distance. The applicant's engineer shall provide preliminary and final sight distance certification for both driveways and the intersection of 70<sup>th</sup> Avenue and Dartmouth Street. The preliminary certification shall include a list of improvements required to meet the sight distance standards. This information shall be a part of the applicant's PFI permit submittal. Final sight distance certification must be provided prior to a final building inspection.

**Section 18.705.030.H.2 states that driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be 150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending**

upon the influence area, as determined from City Engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.

The proposed driveway is located 150 feet from the intersection of 70<sup>th</sup> Avenue and Dartmouth Street, thereby meeting the criterion.

**Section 18.705.030.H.3 and 4 states that the minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet. The minimum spacing of local streets along a local street shall be 125 feet.**

There are no proposed driveways along the Dartmouth frontage.

**Minimum Access Requirements for Commercial and Industrial Use:**

**Section 18.705.030.I provides the minimum access requirements for commercial and industrial uses: Table 18.705.3 indicates that the required access width for developments with 0-99 parking spaces is one 30-foot accesses with 24 feet of pavement. Vehicular access shall be provided to commercial or industrial uses, and shall be located to within 50 feet of the primary ground floor entrances; additional requirements for truck traffic may be placed as conditions of site development review.**

The development has one point of access into the parking lot that provides a 30-foot access with 24 feet of pavement. Therefore, this standard has been satisfied.

**FINDING:** Based on the analysis above, the Access, Egress and Circulation standards have been met.

**ENVIRONMENTAL PERFORMANCE STANDARDS (18.725):**

**Noise:**

For the purposes of noise regulation, the provisions of Sections 7.40.130 through 7.40.210 of the Tigard Municipal Code shall apply.

**Visible emissions:**

Within the commercial zoning districts and the industrial park (IP) zoning district, there shall be no use, operation or activity which results in a stack of other point- source emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line. Department of Environmental Quality (DEQ) rules for visible emissions (340-21-015 and 340-28-070) apply.

**Vibration:**

No vibration other than that caused by highway vehicles, trains and aircraft is permitted in any given zoning district which is discernible without instruments at the property line of the use concerned.

**Odors:**

The emission of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. DEQ rules for odors (340-028-090) apply.

**Glare and heat:**

No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, which is visible at the lot line shall be permitted and; there shall be no emission or transmission of heat or heated air which is discernible at the lot line of the source; and these regulations shall not apply to signs or floodlights in parking areas or constructing equipment at the time of construction or excavation work otherwise permitted by this title.

**Insects and rodents:**

All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

The proposed use is office, which is an outright permitted use within the C-G zoning district. There is no indication within the application that these standards will not be met. However, ongoing efforts to meet these standards shall be maintained and any violation of these standards will be addressed by the City of Tigard's Code Enforcement Officer.

**FINDING:** Based on the above, there is no evidence the Environmental Performance Standards will not be met.

### **LANDSCAPING AND SCREENING (18.745):**

#### **Street Trees:**

**Section 18.745.040 states that all development projects fronting on a public street or a private drive more than 100 feet in length shall be required to plant street trees in accordance with Section 18.745.040.C Section 18.745.040.C requires that street trees be spaced between 20 and 40 feet apart depending on the size classification of the tree at maturity (small, medium or large).**

The subject site has frontage on SW Dartmouth Street and SW 70<sup>th</sup> Avenue in excess of 100 feet. The applicant has indicated in the narrative that street trees will be planted along both frontages. However, species and spacing of the proposed street trees has not been indicated. Therefore, the applicant is required to provide documentation indicating the type and species of street trees that are to be used.

#### **Buffering and Screening:**

**Section 18.745.080 states that no buffer is required between abutting uses that are of a different type when the uses are separated by a street. No buffer is required between a proposed office use and existing office use. Buffering and/or screening are required for dissimilar uses.**

The proposed use (Commercial Office) abuts single-family homes with a MUE zoning designation on the north and west side of the site, thus requiring a minimum of ten feet of buffering. The applicant has proposed a 10-foot buffer with trees, shrubs, and a six-foot-high wall. The property to the east is separated from the subject site by SW 70<sup>th</sup> Avenue. No buffering is required. This standard has been satisfied.

#### **Special Provisions:**

**Section 18.745.050.E requires the screening of parking and loading areas. Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. Planting materials to be installed should achieve a relative balance between low lying and vertical shrubbery and trees. Trees shall be planted in landscaped islands in all parking areas, and shall be equally distributed on the basis of one (1) tree for each seven (7) parking spaces in order to provide a canopy effect. The minimum dimension on the landscape islands shall be three (3) feet wide and the landscaping shall be protected from vehicular damage by some form of wheel guard or curb.**

The applicant has not shown the parking area to be constructed with parking lot trees planted at intervals of one tree for every seven spaces. Therefore, the applicant is required to provide a revised plan showing parking lot trees to be planted in landscaped islands at intervals of one for every seven parking spaces.

#### **Screening Of Service Facilities.**

**Except for one-family and two-family dwellings, any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight feet in height. All refuse materials shall be contained within the screened area;**

The applicant has shown the proposed trash enclosure to be screened with a six-foot chain link fence with metal slats. Therefore, this standard has been satisfied.

**FINDING:** Based on the analysis above, the landscaping and screening standards have not been met.

CONDITIONS:

- ◆ Provide documentation indicating the type and species of street trees that are to be used.
- ◆ Provide a revised plan showing parking lot trees to be planted in landscaped islands at intervals of one for every seven parking spaces.

**MIXED SOLID WASTE AND RECYCLABLES STORAGE (18.755):**

**Chapter 18.755 requires that new construction incorporates functional and adequate space for on-site storage and efficient collection of mixed solid waste and source separated Recyclables prior to pick-up and removal by haulers.**

**The applicant must choose one (1) of the following four (4) methods to demonstrate compliance: Minimum Standard, Waste Assessment, Comprehensive Recycling Plan, or Franchised Hauler Review and Sign-Off. The applicant will have to submit evidence or a plan which indicates compliance with this section. Regardless of which method chosen, the applicant will have to submit a written sign-off from the franchise hauler regarding the facility location and compatibility.**

The applicant has chosen to use the Franchised Hauler Review and Sign-off. A copy of the sign-off letter is located within the land-use file. Therefore, this standard has been met.

**Location Standards.**

**To encourage its use, the storage area for source-separated recyclable shall be co-located with the storage area for residual mixed solid waste; Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements; Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations; Exterior storage areas can be located within interior side yard or rear yard areas. Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street; Exterior storage areas shall be located in central and visible locations on a site to enhance security for users; Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage. Storage areas shall be appropriately screened according to the provisions in 18.755.050 C, design standards; The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.**

The proposed exterior refuse storage areas are located within the rear parking area. The refuse containers will not hinder the applicant from meeting the minimum parking standards. Therefore, this standard has been satisfied.

**Design Standards.**

**The dimensions of the storage area shall accommodate containers consistent with current methods of local collection; Storage containers shall meet Uniform Fire Code standards and be made and covered with waterproof materials or situated in a covered area; Exterior storage areas shall be enclosed by a sight-obscuring fence wall, or hedge at least six feet in height. Gate openings which allow access to users and haulers shall be provided. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position; Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.**

The plans indicate that the storage areas will have a 20-foot-wide gate opening. The storage facilities will be enclosed with a six-foot chain link fence with vinyl slats for screening purposes. This standard has been satisfied.

**FINDING:** Based on the analysis above, the Mixed Solid Waste and Recyclable Storage standards have been fully met.

## **OFF-STREET PARKING AND LOADING (18.765):**

### **Location of vehicle parking:**

Off-street parking spaces for single-family and duplex dwellings and single-family attached dwellings shall be located on the same lot with the dwellings. Off-street parking lots for uses not listed above shall be located not further than 200 feet from the building or use that they are required to serve, measured in a straight line from the building with the following exceptions: a) commercial and industrial uses which require more than 40 parking spaces may provide for the spaces in excess of the required first 40 spaces up to a distance of 300 feet from the primary site; The 40 parking spaces which remain on the primary site must be available for users in the following order of priority: 1) Disabled-accessible spaces; 2) Short-term spaces; 3) Long-term preferential carpool and vanpool spaces; 4) Long-term spaces.

The parking lot associated with this project, at the furthest point away from the proposed buildings is 90 feet. All parking has been proposed to be located on-site. Therefore, this standard has been satisfied.

### **Joint Parking:**

Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the peak hours of operation do not overlay, subject to the following: 1) The size of the joint parking facility shall be at least as large as the number of vehicle parking spaces required by the larger(est) use per Section 18.765.070; 2) Satisfactory legal evidence shall be presented to the Director in the form of deeds, leases or contracts to establish the joint use; 3) If a joint use arrangement is subsequently terminated, or if the uses change, the requirements of this title thereafter apply to each separately.

All four proposed buildings are located on the same parcel. Therefore, no joint parking agreements are needed.

### **Parking in Mixed-Use Projects:**

In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula. 1) Primary use, i.e., that with the largest proportion of total floor area within the development, at 100% of the minimum vehicle parking required for that use in Section 18.765.060; 2) Secondary use, i.e., that with the second largest percentage of total floor area within the development, at 90% of the vehicle parking required for that use in Section 18.765.060; 3) Subsequent use or uses, at 80% of the vehicle parking required for that use(s) in Section 18.765.060; 4) The maximum parking allowance shall be 150% of the total minimum parking as calculated in D.1.-3. above.

The applicant has indicated on the site plan that this will be a mixed use project (i.e. Medical Office, Retail and Office). Out of the uses proposed, Medical Office has the largest minimum parking ratio of 3.9 stalls per 1,000 square feet. The applicant has not indicated which use will occupy which building. Therefore, Staff used the most intense use (Medical Office) and the largest building in calculating the required parking for the project.

### **100% minimum vehicle parking:**

Building #4 (Medical Office)	= 20 Stalls
Building #3 (Retail/Sales)	= 19 Stalls
Building #2 (Office)	= 14 Stalls
Building #1 (Office)	= 14 Stalls
<u>Total</u>	<u>= 67 Stalls</u>

Based on the standards above, 100 percent of the minimum parking ratio for medical office (Primary Use) is 20 stalls. Ninety percent of the minimum parking for retail/sales (Secondary Use) is 17 stalls. Eighty percent of the minimum parking ratio for office (Subsequent Use) is 11 stalls. Therefore, the project is required to have a minimum of 59 parking stalls. According to this standard, the maximum allowable parking shall be 150% of the total minimum parking. Therefore, the maximum parking for this site is 88 stalls. The applicant is providing a total of 86 parking stalls. However, section 18.765.070.E "Exceptions to maximum parking standards" states that the following types of parking shall not be included: c. designated carpool/vanpool spaces. d. Designated disabled-accessible

parking spaces. The applicant is proposing 86 parking stalls, which requires four carpool/vanpool stalls. The applicant is providing a total of eight ADA parking stalls. Therefore, the applicant is providing a total of 78 parking stalls that are counted toward the maximum parking criteria. This standard has been satisfied.

**Visitor Parking in Multi-Family Residential Developments:**

**Multi-dwelling units with more than 10 required parking spaces shall provide an additional 15% of vehicle parking spaces above the minimum required for the use of guests of residents of the complex. These spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.**

This project does not involve a residential use. Therefore, this standard does not apply.

**Preferential Long-Term Carpool/Vanpool Parking:**

**Parking lots providing in excess of 20 long-term parking spaces shall provide preferential long-term carpool and vanpool parking for employees, students and other regular visitors to the site. At least 5% of total long-term parking spaces shall be reserved for carpool/vanpool use. Preferential parking for carpools/vanpools shall be closer to the main entrances of the building than any other employee or student parking except parking spaces designated for use by the disabled. Preferential carpool/vanpool spaces shall be full-sized per requirements in Section 18.765.040N and shall be clearly designated for use only by carpools and vanpools between 7:00 AM and 5:30 PM Monday through Friday.**

The standard above requires the subject site to provide four carpool/vanpool parking stalls. The applicant is providing a total of 86 parking stalls, four of which are carpool/vanpool parking stalls. Therefore, this standard has been satisfied.

**Disabled-Accessible Parking:**

**All parking areas shall be provided with the required number of parking spaces for disabled persons as specified by the State of Oregon Uniform Building Code and federal standards. Such parking spaces shall be sized, signed and marked as required by these regulations.**

The applicant is required to provide a minimum of four ADA parking spaces. The applicant's plans show eight ADA spaces that will be nine feet wide with an eight foot aisle. Therefore, this standard has been met.

**Access Drives:**

**With regard to access to public streets from off-street parking: access drives from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site; the number and size of access drives shall be in accordance with the requirements of Chapter, 18.705, Access, Egress and Circulation; access drives shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives; access drives shall have a minimum vision clearance in accordance with Chapter 18.795, Visual Clearance; access drives shall be improved with an asphalt or concrete surface; and excluding single-family and duplex residences, except as provided by Subsection 18.810.030.P, groups of two or more parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street or other public right-of-way will be required.**

The access drive has been addressed previously in this decision under Chapter 18.705 (Access, Egress and Circulation).

**Pedestrian Access:**

**Pedestrian access through parking lots shall be provided in accordance with Section 18.705.030.F. Where a parking area or other vehicle area has a drop-off grade separation, the property owner shall install a wall, railing, or other barrier which will prevent a slow-moving vehicle or driverless vehicle from escaping such area and which will prevent pedestrians from walking over drop-off edges.**

Pedestrian access has been discussed previously in this decision under Chapter 18.620 (Tigard Triangle Design Standards).

**Parking Lot Striping:**

**Except for single-family and duplex residences, any area intended to be used to meet the off-street parking requirements as contained in this Chapter shall have all parking spaces clearly marked; and all interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.**

The plans submitted show the parking spaces will be clearly marked with striping. Therefore, this standard has been satisfied.

**Wheel Stops:**

**Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located three feet back from the front of the parking stall. The front three feet of the parking stall may be concrete, asphalt or low lying landscape material that does not exceed the height of the wheel stop. This area cannot be calculated to meet landscaping or sidewalk requirements.**

The applicant states in the narrative that wheel stops will be provided. However, the plans do not show wheel stops. Therefore, the applicant is required to provide a plan that shows wheel stops in accordance to 18.765.040.J "Wheel Stops".

**Space and Aisle Dimensions:**

**Section 18.765.040.N states that: "except as modified for angled parking in Figures 18.765.1 and 18.765.2 the minimum dimensions for parking spaces are: 8.5 feet x 18.5 feet for a standard space and 7.5 feet x 16.5 feet for a compact space; aisles accommodating two direction traffic, or allowing access from both ends, shall be 24 feet in width.**

The applicant's plans indicate that of the 86 parking stalls, 29 stalls are compact stalls (7½ by 16½), which is less than fifty percent of the total. Standard stalls are shown to be 8½ by 18.5). Therefore, this standard has been satisfied.

**Bicycle Parking Location and Access:**

**Section 18.765.050 states bicycle parking areas shall be provided at locations within 50 feet of primary entrances to structures; bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways; outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to located the parking area; and bicycle parking may be located inside a building on a floor which has an outdoor entrance open for use and floor location which does not require the bicyclist to use stairs to gain access to the space. Exceptions may be made to the latter requirement for parking on upper stories within a multi-story residential building.**

According to Section 18.765.050.E Minimum bicycle parking requirements: "In no case shall there be less than two bicycle parking spaces." The largest of the four buildings is approximately 5,185 square feet, which only requires two stalls. Therefore, the applicant must show two bicycle parking stalls per building within 50 feet of the primary entrance of each building.

**Bicycle Parking Design Requirements:**

**Section 18.765.050.C. The following design requirements apply to the installation of bicycle racks: The racks required for required bicycle parking spaces shall ensure that bicycles may be securely locked to them without undue inconvenience. Provision of bicycle lockers for long-term (employee) parking is encouraged but not required; bicycle racks must be securely anchored to the ground, wall or other structure; bicycle parking spaces shall be at least 2½ feet by six feet long, and, when covered, with a vertical clearance of seven feet. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking; each required bicycle parking space must be accessible without moving another bicycle; required bicycle parking spaces may not be rented or leased except where required motor vehicle parking is rented or leased. At-cost or deposit fees for**

**bicycle parking are exempt from this requirement; and areas set aside for required bicycle parking must be clearly reserved for bicycle parking only. Outdoor bicycle parking facilities shall be surfaced with a hard surfaced material, i.e., pavers, asphalt, concrete or similar material. This surface must be designed to remain well drained.**

The applicant has not provided a detail of the bike rack to be used; therefore, Staff is unable to confirm that this standard is met.

**Minimum Bicycle Parking Requirements:**

**The total number of required bicycle parking spaces for each use is specified in Table 18.765.2 in Section 18.765.070.H. In no case shall there be less than two bicycle parking spaces.**

Two bicycle stalls have been conditioned for each building. Therefore, this standard has been satisfied.

**Minimum Off-Street Parking:**

**Section 18.765.070.H states that the minimum and maximum parking shall be as required in Table 18.765.2.**

Minimum and maximum parking has been addressed above under "Parking in Mixed-Use Projects" Therefore, this standard has been satisfied.

**Off-Street Loading Spaces:**

**Commercial, industrial and institutional buildings or structures to be built or altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading and maneuvering space as follows: A minimum of one loading space is required for buildings with 10,000 gross square feet or more; A minimum of two loading spaces for buildings with 40,000 gross square feet or more.**

The buildings are less than 10,000 square feet; therefore, the applicant is not required to provide a loading space.

**FINDING:** Based on the analysis above, the off-street parking and loading standards have not been fully met, however, if the applicant complies with the conditions listed below, the standards will be fully met:

**CONDITIONS:**

- ◆ Provide a plan that shows wheel stops in accordance to Section 18.765.040.J "Wheel Stops".
- ◆ Show two bicycle parking stalls per building within 50 feet of the primary entrance of each building.
- ◆ Provide a detail of the bike racks to be used.

**SIGNS (18.780):**

**Chapter 18.780.130.D lists the type of allowable signs and sign area permitted in the MUE Zoning District.**

No signs have been formally proposed. However, the applicant has indicated in the narrative that a wall sign will be applied for which has been addressed above under Chapter 18.620 (Tigard Triangle Design Standards).

**FINDING:** Because signs will be reviewed and approved as part of a separate permit process, this standard has been satisfied.

**Tree Removal (18.790):**

**Section 18.790.030 requires that a tree plan for the planting, removal and protection of trees prepared by a certified arborist shall be provided with a site development review application. The tree plan shall include identification of all existing trees, identification of a program to save existing trees or mitigate tree removal over 12 inches in caliper, which trees are to be removed, protection program defining standards and methods that will be used by the applicant to protect trees during and after construction.**

According to the submitted arborist report, there are 38 trees that are over 12 inches in diameter that are viable for mitigation. The applicant has indicated that 100 percent of the trees on site are to be removed. The total caliper inches of the viable trees over 12 inches in diameter are 860 inches. Therefore, the applicant must provide a mitigation plan for 860 inches. Street trees and parking lot trees cannot be counted toward mitigation.

**FINDING:** Based on the analysis above, the tree removal standards have not been fully met, however, if the applicant complies with the condition listed below, the standards will be fully met:

**CONDITION:** Provide a tree mitigation plan for 860 inches.

**VISUAL CLEARANCE AREAS (18.795):**

**Chapter 18.795 requires that a clear vision area shall be maintained on the corners of all property adjacent to intersecting right-of-ways or the intersection of a public street and a private driveway. A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure, or temporary or permanent obstruction exceeding three (3) feet in height. The code provides that obstructions that may be located in this area shall be visually clear between three (3) and eight (8) feet in height (8) (trees may be placed within this area provided that all branches below eight (8) feet are removed). A visual clearance area is the triangular area formed by measuring a 30-foot distance along the street right-of-way and the driveway, and then connecting these two (2), 30-foot distance points with a straight line.**

The applicant has indicated that visual clearance triangles will be unobstructed. However, the proposed site plan shows a sign within the required visual clearance triangle at the north side of SW 70<sup>th</sup> Avenue and the proposed entrance to the site. Therefore, a condition will be imposed that obstructions that may be located in the visual clearance triangle shall be visually clear between three (3) and eight (8) feet in height.

**FINDING:** Based on the analysis above, the vision clearance standards have not been met. However, if the applicant complies with the condition listed below, the standards will be fully met:

**CONDITION:** Obstructions that may be located in the visual clearance triangle shall be visually clear between three and eight feet in height.

**C. SPECIFIC SITE DEVELOPMENT REVIEW APPROVAL STANDARDS**

**Section 18.360.090(A)(2) through 18.360.090(A)(15) provides additional Site Development Review approval standards not necessarily covered by the provisions of the previously listed sections. These additional standards are addressed immediately below with the following exceptions:**

The proposal contains no elements related to the provisions of the following and are, therefore, found to be inapplicable as approval standards:

18.360.090.3 (Exterior Elevations); 18.360.090.5 (Privacy and Noise: Multi-family or Group Living Uses); 18.360.090.6 (Private Outdoor Areas: Multi-family Use); 18.360.090.7 (Shared Outdoor Recreation Areas: Multi-family Use); 18.360.090.8 (100-year floodplain); and 18.360.090.9 (Demarcation of Spaces).

The following sections were discussed previously in this decision and, therefore, will not be addressed in this section:

18.360.090.4 (Buffering, Screening and Compatibility Between Adjoining Uses; 18.360.090.13 (Parking); 18.360.090.14 (Landscaping); 18.360.090.15 (Drainage); and 18.360.090.14 (Provision for the Disabled).

**Relationship to the Natural and Physical Environment:**

**Buildings shall be:** located to preserve existing trees, topography and natural drainage where possible based upon existing site conditions; located in areas not subject to ground slumping or sliding; located to provide adequate distance between adjoining buildings for adequate light, air circulation, and fire-fighting; and oriented with consideration for sun and wind. Trees shall be preserved to the extent possible. Replacement of trees is subject to the requirements of Chapter 18.790, Tree Removal.

The buildings will be located on the site in accordance with the Tigard Triangle Design Standards. The site is not in an area identified as prone to sliding. Each building will have 20 feet of separation from the other, thus, providing adequate light and air circulation. The Deputy Fire Marshal has submitted comments located under agency comments. This standard has been satisfied.

**Crime Prevention and Safety:**

- A. Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants;**
- B. Interior laundry and service areas shall be located in a way that they can be observed by others;**
- C. Mail boxes shall be located in lighted areas having vehicular or pedestrian traffic;**
- D. The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime; and**
- E. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps and abrupt grade changes. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet, which is sufficient to illuminate a person.**

Windows are located on all sides of the proposed building. The City of Tigard Police Department has reviewed this project and requests a detailed lighting plan for the exterior.

**Public Transit:**

**Provisions within the plan shall be included for providing for transit if the development proposal is adjacent to existing or proposed transit route; the requirements for transit facilities shall be based on: the location of other transit facilities in the area; and the size and type of the proposal. The following facilities may be required after City and Tri-Met review: bus stop shelters; turnouts for buses; and connecting paths to the shelters.**

The subject property is located on SW 70<sup>th</sup> Avenue and Dartmouth Street, which are not identified as transit routes. Therefore, this standard does not apply.

**Provisions of the Underlying Zone:**

**All of the provisions and regulations of the underlying zone shall apply unless modified by other sections or this title, e.g., Planned Developments, Chapter 18.350; or a variance or adjustment granted under Chapter 18.370.**

**Dimensional Requirements:**

Dimensional standards have been addressed above under Section 18.520.040 (Development Standards). No adjustments or variances or planned developments have been applied for. Therefore, this standard has been satisfied.

**FINDING:** Based on the analysis above, the underlying zoning district standards have not been fully met, however, if the applicant complies with the condition listed below, the standards will be fully met.

**CONDITION:** Submit a detailed lighting plan to the Tigard Police Department and Planning Division for review and approval.

## **D. STREET AND UTILITY IMPROVEMENTS STANDARDS (18.810):**

### **Streets:**

#### **Improvements:**

**Section 18.810.030.A.1 states that streets within a development and streets adjacent shall be improved in accordance with the TDC standards.**

**Section 18.810.030.A.2 states that any new street or additional street width planned as a portion of an existing street shall be dedicated and improved in accordance with the TDC.**

**Minimum Rights-of-Way and Street Widths: Section 18.620.080.A, Tigard Triangle Street and Accessway Standards, requires a Collector street to have a 72 foot right-of-way width and 44-foot paved section. Other improvements required may include on-street parking, sidewalks and bikeways, underground utilities, street lighting, storm drainage, and street trees.**

This site lies adjacent to SW Dartmouth, which is classified as an Arterial in the Tigard Triangle Standards of 18.620. At present, there is approximately 35 feet of ROW from centerline, according to the most recent tax assessor's map. The applicant should dedicate additional ROW to provide 36 feet from centerline and provide an 11 foot Preserve ROW. The applicant has shown the dedication and preserve ROW on the submitted plans, thereby meeting this criterion. Additional ROW is also required for the radius at the intersection.

SW Dartmouth is currently substantially improved. In order to mitigate the impact from this development, the applicant should provide a 7 foot planter, 6 foot sidewalk and street trees.

This site lies adjacent to SW 70<sup>th</sup> Avenue, which is classified as a Local street on the City of Tigard Transportation Plan Map. At present, there is approximately 30 feet of ROW, according to the most recent tax assessor's map. The applicant should dedicate ROW to provide for 30 feet from centerline and the ROW for the required radius at the intersection.

SW 70<sup>th</sup> Avenue is currently unimproved. In order to mitigate the impact from this development, the applicant should construct  $\frac{3}{4}$  street improvements, providing a minimum of 24 feet of paving, 12 foot sidewalk with tree wells or an 8 foot sidewalk and 4 foot planter strip. The applicant's plans propose that the 24 feet of paving be constructed as a shed section, which means that the crown will be offset. Staff agrees with this proposed x-section.

**Grades and Curves: Section 18.810.030.N states that grades shall not exceed ten percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet). Centerline radii of curves shall be as determined by the City Engineer.**

The proposed grades on SW 70<sup>th</sup> Avenue are well below 12%, thereby meeting this criterion.

**Access to Arterials and Major Collectors: Section 18.810.030.Q states that where a development abuts or is traversed by an existing or proposed arterial or major collector street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design shall include any of the following:**

- ◆ A parallel access street along the arterial or major collector;
- ◆ Lots of suitable depth abutting the arterial or major collector to provide adequate buffering with frontage along another street;
- ◆ Screen planting at the rear or side property line to be contained in a non-access reservation along the arterial or major collector; or
- ◆ Other treatment suitable to meet the objectives of this subsection;
- ◆ If a lot has access to two streets with different classifications, primary access should be from the lower classification street.

The applicant has indicated their primary access is from 70<sup>th</sup> Avenue, which complies with the above stated code section.

**Block Designs - Section 18.810.040.A** states that the length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.

**Block Sizes: Section 18.810.040.B.1** states that the perimeter of blocks formed by streets shall not exceed 1,800 feet measured along the right-of-way line except:

- ◆ Where street location is precluded by natural topography, wetlands or other bodies of water or, pre-existing development or;
- ◆ For blocks adjacent to arterial streets, limited access highways, major collectors or railroads.
- ◆ For non-residential blocks in which internal public circulation provides equivalent access.

Constructing SW 70<sup>th</sup> Avenue will create a block that is greater than 1,800 feet in length. However, the newly created block includes SW Dartmouth Street which is considered an arterial street. Therefore, this standard does not apply.

**Section 18.810.040.B.2** also states that bicycle and pedestrian connections on public easements or right-of-ways shall be provided when full street connection is not possible. Spacing between connections shall be no more than 330 feet, except where precluded by environmental or topographical constraints, existing development patterns, or strict adherence to other standards in the code.

Pedestrian connections will be created by constructing a sidewalk along SW 70<sup>th</sup> Avenue and SW Dartmouth Road. Therefore, this standard has been satisfied.

**Lots - Size and Shape: Section 18.810.060(A)** prohibits lot depth from being more than 2.5 times the average lot width, unless the parcel is less than 1.5 times the minimum lot size of the applicable zoning district.

The subject site has an average lot width of 388 feet and a length of 215 feet, which does not exceed 2.5 times the width. Therefore, this standard is satisfied.

**Lot Frontage: Section 18.810.060(B)** requires that lots have at least 25 feet of frontage on public or private streets, other than an alley. In the case of a land partition, 18.420.050.A.4.c applies, which requires a parcel to either have a minimum 15-foot frontage or a minimum 15-foot wide recorded access easement. In cases where the lot is for an attached single-family dwelling unit, the frontage shall be at least 15 feet.

The subject site has approximately 388 feet of frontage on SW Dartmouth Street and 215 feet of frontage of SW 70<sup>th</sup> Avenue. This standard has been satisfied.

**Sidewalks: Section 18.810.070.A** requires that sidewalks be constructed to meet City design standards and be located on both sides of arterial, collector and local residential streets. Private streets and industrial streets shall have sidewalks on at least one side.

The applicant has indicated that sidewalks will be constructed with the half-street improvements along both frontages, thereby meeting this criterion.

#### **Sanitary Sewers:**

**Sewers Required: Section 18.810.090.A** requires that sanitary sewer be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.

**Over-sizing:** Section 18.810.090.C states that proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.

There is an 8-inch sewer line in Dartmouth Street. The applicant's plans indicate that they will be connecting one service lateral from each building to the public sewer in Dartmouth Street.

**Storm Drainage:**

**General Provisions:** Section 18.810.100.A requires developers to make adequate provisions for storm water and flood water runoff.

**Accommodation of Upstream Drainage:** Section 18.810.100.C states that a culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2000 and including any future revisions or amendments).

There may be some runoff from the upstream, adjacent parcels onto this development. The developer is required to include this runoff in the design of the storm sewer system. The developer is not required to detain or treat this runoff.

**Effect on Downstream Drainage:** Section 18.810.100.D states that where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2000 and including any future revisions or amendments).

In 1997, Clean Water Services (CWS) completed a basin study of Fanno Creek and adopted the Fanno Creek Watershed Management Plan. Section V of that plan includes a recommendation that local governments institute a stormwater detention/effective impervious area reduction program resulting in no net increase in storm peak flows up to the 25-year event. The City will require that all new developments resulting in an increase of impervious surfaces provide onsite detention facilities, unless the development is located adjacent to Fanno Creek. For those developments adjacent to Fanno Creek, the storm water runoff will be permitted to discharge without detention.

The applicant's plan indicates that detention will be provided for on-site runoff with the installation of underground pipes.

**Bikeways and Pedestrian Pathways:**

**Bikeway Extension:** Section 18.810.110.A states that developments adjoining proposed bikeways identified on the City's adopted pedestrian/bikeway plan shall include provisions for the future extension of such bikeways through the dedication of easements or right-of-way.

Dartmouth Street is designated as a bicycle facility.

**Cost of Construction:** Section 18.810.110.B states that development permits issued for planned unit developments, conditional use permits, subdivisions, and other developments which will principally benefit from such bikeways shall be conditioned to include the cost or construction of bikeway improvements.

The applicant is required to contribute funds for the future striping of the bike lane along Dartmouth Street.

The amount of the striping would be as follows:

◆	337 feet of 8-inch white stripe, at \$2.50/lf	\$842.50
◆	8 Mono-directional reflective markers @ \$4.00/ea	\$ 32.00
◆	2 Bike lane legends @ \$175/ea	\$350.00
◆	2 Directional mini-arrows @ \$100/ea	\$200.00
		<hr/>
		\$1,424.50

**Minimum Width: Section 18.810.110.C states that the minimum width for bikeways within the roadway is five feet per bicycle travel lane. Minimum width for two-way bikeways separated from the road is eight feet.**

The Tigard Triangle standards require a 5 foot bike lane along Dartmouth Street.

#### **Utilities:**

**Section 18.810.120 states that all utility lines, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:**

- ◆ **The developer shall make all necessary arrangements with the serving utility to provide the underground services;**
- ◆ **The City reserves the right to approve location of all surface mounted facilities;**
- ◆ **All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and**
- ◆ **Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

**Exception to Under-Grounding Requirement: Section 18.810.120.C states that a developer shall pay a fee in-lieu of under-grounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of under-grounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which under-grounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities. An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay a fee in-lieu of under-grounding.**

There are no existing overhead utility lines along the frontage of SW Dartmouth adjacent to this site.

#### **ADDITIONAL CITY AND/OR AGENCY CONCERNS WITH STREET AND UTILITY IMPROVEMENT STANDARDS:**

##### **Traffic Study Findings:**

A Traffic Impact Study was prepared by Lancaster Engineering, dated March 2004. The study areas included the intersections at 68<sup>th</sup> Avenue/Dartmouth, 72<sup>nd</sup> Avenue/Dartmouth, 70<sup>th</sup> Avenue/Dartmouth and the proposed driveway/Dartmouth.

The report concludes that the intersections of Dartmouth Street at 68<sup>th</sup> Avenue and 72<sup>nd</sup> Avenue will have at least one signal warrant satisfied in the near future. However, both intersections operate acceptably now as all-way stop controlled intersections and until there are further warrants it is not recommended to install signalization with this development.

The intersection of Dartmouth/68<sup>th</sup> currently operates at a level of service C for both morning and evening peak hours. The level of service does not change for the scenarios examined in the report.

The intersection of Dartmouth/72<sup>nd</sup> currently operates at level of service B during the morning peak hours and level C during the evening peak hours. When including background traffic conditions, the level of service remains at B during the morning peak hours but degrades to D during the evening peak hours. With development in place there is no further change in the level of service of this intersection.

The future intersection of Dartmouth/70<sup>th</sup> is expected to operate at level of service B for the morning peak hours and at level of service C for evening peak hours.

Lancaster Engineering prepared a Trip Generation and Distribution Assessment for two key intersections:

SW 72<sup>nd</sup> Avenue/SW Dartmouth Street  
SW 68<sup>th</sup> Avenue/SW Dartmouth Street

These two critical intersections have been identified as needing traffic signals. As development has occurred in the Tigard Triangle, and where a development introduces additional trips to these intersections, funds have been collected from the developers that will contribute to the future signal installation.

The first project to contribute funds to the intersections was Babies R Us. A simple formula was established based upon the impact from that development. That project had an impact of 1.1% at SW 72<sup>nd</sup> Avenue/SW Dartmouth Street during the PM peak hour. For that impact, the City Council required the developer to pay funds in the amount of \$20,000.00. At the intersection of SW 68<sup>th</sup> Avenue/SW Dartmouth Street, the impact from that project was estimated to be 0.75%. For this impact, the developer was required to pay \$10,000.00.

Using the same rationale, a proportionate share has been calculated for other projects in the Triangle, and can be calculated for this project. In order to provide the most fair comparison to the Babies R Us project, it is necessary to use the same anticipated total entering volumes (TEV) estimated as part of the Babies R Us traffic report. That report anticipated more build-out of the triangle area, including the Tri-County site at 72<sup>nd</sup>/Dartmouth.

Lancaster Engineer's report shows that this project will generate 16 PM peak hour trips at the intersection of 72<sup>nd</sup> Avenue/Dartmouth Street. With a total entering volume (TEV) of 2,555 vehicles, the project impact is 0.63%. Therefore, based on simple proportions, the project contribution to this intersection is \$11,386.00.

Likewise, the Lancaster report shows that the project will generate 19 PM peak hour trips at the intersection of 68<sup>th</sup> Avenue/Dartmouth Street. With a TEV of 2,660 vehicles, the impact from this development is 0.71%. Therefore, based on the same proportion used in the Babies R Us development, the project contribution to this intersection is \$9524.00.

Funds for both intersections must be paid to the City prior to a final building inspection.

#### **Public Water System:**

The site is located within the Tualatin Valley Water District (TVWD). There is an existing 12-inch line located in Dartmouth Street. The applicant's plan indicates that they will be using the existing ¾" meter for on-site irrigation. The applicant's plans show that each building will have a 4-inch line from the public main for fire service and a 1 ½ inch domestic service. The plans also show the extension of an 8-inch public line in the 70<sup>th</sup> Avenue ROW. TVWD will have to review and approve the applicant's proposed water line plans.

#### **Storm Water Quality:**

**The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (CWS) Design and Construction Standards (adopted by Resolution and Order No. 00-7) which require the construction of on-site water quality facilities. The facilities shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from newly created impervious surfaces. In addition, a maintenance plan shall be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.**

Prior to construction, the applicant shall submit plans and calculations for a water quality facility that will meet the intent of the CWS Design Standards. In addition, the applicant shall submit a maintenance plan for the facility that must be reviewed and approved by the City prior to construction.

The applicant did not indicate that water quality treatment will be provided for the new impervious surface area created when 70<sup>th</sup> Avenue is constructed. The applicant shall include the calculations and treatment design in their PFI submittal.

To ensure compliance with Clean Water Services design and construction standards, the applicant shall employ the design engineer responsible for the design and specifications of the private water quality facility to perform construction and visual observation of the water quality facility for compliance with the design and specifications. These inspections shall be made at significant stages throughout the project and at completion of the construction. Prior to final building inspection, the design engineer shall provide the City of Tigard (Inspection Supervisor) with written confirmation that the water quality facility is in compliance with the design and specifications.

The proposed unit from Stormwater Management is acceptable, provided the property owner agrees to hire the manufacturer (or approved equal) to provide the required maintenance of the unit. Prior to a final building inspection, the applicant shall demonstrate that they have entered into a maintenance agreement with Stormwater Management, or another company that demonstrates they can meet the maintenance requirements of the manufacturer.

#### **Grading and Erosion Control:**

**CWS Design and Construction Standards also regulate erosion control to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion. Per CWS regulations, the applicant is required to submit an erosion control plan for City review and approval prior to issuance of City permits.**

**The Federal Clean Water Act requires that a National Pollutant Discharge Elimination System (NPDES) erosion control permit be issued for any development that will disturb one or more acre of land. Since this site is over five acres, the developer will be required to obtain an NPDES permit from the City prior to construction. This permit will be issued along with the site and/or building permit.**

A Geotechnical Engineering Report was prepared by Geotech Solutions, Inc., dated March 12, 2004. The Building Division, as a part of the Site Permit review, will review the grading/erosion control plan. The Engineering Department and Building Division will be reviewing the proposed retaining walls within or encroaching into the public ROW. The Building Division will be reviewing all other retaining walls on site.

An NPDES permit is required, as the development will disturb more than one acre.

#### **Site Permit Required:**

The applicant is required to obtain a Site Permit from the Building Division to cover all on-site private utility installations (water, sewer, storm, etc.) and driveway construction. This permit shall be obtained prior to approval of the final plat.

#### **Address Assignments:**

The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard and within the Urban Service Boundary (USB). An addressing fee in the amount of \$50.00 per address shall be assessed. This fee shall be paid to the City prior to issuance of the Site Permit.

For multi-tenant buildings, one address number is assigned to the building and then all tenant spaces are given suite numbers. The City is responsible for assigning the main address and suite numbers. This information is needed so that building permits for tenant improvements can be adequately tracked in the City's permit tracking system. Based upon the information provided by the applicant, this building will be a multi-tenant building. Prior to issuance of the site permit, the applicant shall provide a suite layout map so suite numbers can be assigned. The addressing fee will then be calculated based upon the

number of suites that must be addressed. In multi-level structures, ground level suites shall have numbers preceded by a "1", second level suites shall have numbers preceded by a "2", etc.

**E. IMPACT STUDY (18.390):**

**Section 18.360.090 states, "The Director shall make a finding with respect to each of the following criteria when approving, approving with conditions or denying an application:"**

**Section 18.390.040 states that the applicant shall provide an impact study to quantify the effect of development on public facilities and services. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standard, and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.**

**In situations where the Community Development Code requires the dedication of real property interests, the applicant shall either specifically concur with a requirement for public right-of-way dedication, or provide evidence that supports that the real property dedication is not roughly proportional to the projected impacts of the development. Section 18.390.040 states that when a condition of approval requires the transfer to the public of an interest in real property, the approval authority shall adopt findings which support the conclusion that the interest in real property to be transferred is roughly proportional to the impact the proposed development will have on the public.**

The applicant has provided an impact study addressing the project's impacts on public systems. The Washington County Traffic Impact Fee (TIF) is a mitigation measure that is required at the time of development. Based on a transportation impact study prepared by Mr. David Larson for the A-Boy Expansion/Dolan II/Resolution 95-61, TIF's are expected to recapture 32 percent of the traffic impact of new development on the collector and arterial Street system. The applicant will be required to pay TIF's of approximately \$101,619 Based on the uses proposed.

Based on the estimate that total TIF fees cover 32 percent of the impact, on major street improvements citywide, a fee that would cover 100 percent of this projects traffic impact is \$317,559 (\$101,619 divided by .32). The difference between the TIF paid, and the full impact, is considered the unmitigated impact on the street system. The unmitigated impact of this project on the transportation system is \$215,940. The cost of the improvements is expected to be \$159,090 (\$69,840 right-of-way dedication along SW Dartmouth + \$47,250 for Dartmouth Street improvements + \$42,000 for ¾ street improvements along SW 70<sup>th</sup> Avenue). Thus, required improvements meet the rough proportionality test.

**SECTION VII. OTHER STAFF COMMENTS**

**City of Tigard Building Department** has reviewed the proposal and offered the following comments:

- ♦ Accessible routes shall connect the buildings to each other and to the public sidewalk.

**City of Tigard Public Works Department** has reviewed the proposal and offered the following comments:

- ♦ Are there any detention or treatment requirements for the public storm on SW 70th and/or Dartmouth?

**City of Tigard Long Range Planning Division** has reviewed the proposal and has no objections to it.

**City of Tigard Police Department** has reviewed the proposal and has provided the following comments:

- ◆ Please provide a “lighting plan” to determine lighting levels in and around the building.

**City of Tigard Water Department** has reviewed the proposal and has no objections to it.

**City of Tigard Urban Forester** has reviewed the proposal and has no objections to it.

## **SECTION VIII. AGENCY COMMENTS**

**Qwest Communications engineering Department** has reviewed the proposal and offered the following comment:

- ◆ This area is not within Qwest territory.

**Tri-Met** has reviewed the proposal and has no objections to it.

**Tualatin Valley Water District** has reviewed the proposal and has no objections to it.

**Tualatin Valley Fire and Rescue** has reviewed the proposal and has provided the following comments:

- 1) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted yellow and marked “NO PARKING FIRE LANE” at each 25 feet. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red or black on yellow background. (UFC Sec. 901.4.5.2)
- 2) **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less. A worksheet for calculating the required fire flow is available from the Fire Marshal’s Office. (UFC Sec. 903.3)

**The minimum required fire flow is 2299 gpm @ 20 psi. Documentation shall be provided.**

- 3) **COMMERCIAL BUILDINGS - FIRE HYDRANTS:** No portion of the exterior of a commercial building shall be located more than 250 feet from a fire hydrant when measured in an approved manner around the outside of the building and along an approved fire apparatus access roadway. Any hydrants that are left over from the minimum number of hydrant calculations may be full filled by hydrants that are up to 500 feet from any point of the building. The fire Prevention Ordinance has further requirements that need to be used for acceptance and placement of fire hydrants. (UFC Sec. 903.4.2.1)
- 4) **COMMERCIAL BUILDINGS - MINIMUM NUMBER OF FIRE HYDRANTS:** The minimum number of fire hydrants for a building shall be based on the required fire flow prior to giving credit for fire protection systems divided by 1500. If the answer is equal to or greater than x.5 the next whole number of hydrants shall be used. There shall not be less than 2 hydrants per building. (UFC Sec. 903.4.2.1)

**Considerations for placing fire hydrants shall be as follows:**

- ◆ Existing hydrants in the area may be used to meet the required number of hydrants; however, hydrants that are over 500 feet away from the nearest point of the subject building shall not contribute to the required number of hydrants.
- ◆ Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants.
- ◆ Hydrants that are separated from the subject building by divided highway, freeway, or heavily traveled collector streets shall not contribute to the required number of hydrants.
- ◆ Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the Chief.

- ♦ Private hydrants or public hydrants that are on adjacent private property shall not contribute to the required number of hydrants for the subject building.
  - ♦ Exception: The use of hydrants located on other private property may be considered if their locations and access are encumbered in a legal document (such as deed restriction) by the owners of the involved parcels of property. The encumbrance may be lifted only after approvals by the Chief on behalf of the fire department and any other governmental agencies that may require approval.
  - ♦ When evaluating the placement of hydrants at apartment or industrial complexes the first hydrant(s) to be placed shall be at the primary access and any secondary access to the site. After these hydrants have been placed other hydrants shall be sited to meet the above requirements for spacing and minimum number of hydrants. (UFC Sec. 903.4.2.1.1)
- 5) FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD: Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (UFC Sec. 903.4.2.4)
  - 6) REFLECTIVE HYDRANT MARKERS: Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (UFC Sec. 901.4.3)
  - 7) FIRE HYDRANT/FIRE DEPARTMENT CONNECTION: A fire hydrant shall be located within 70 feet of a fire department connection (FDC). Fire hydrants and FDC's shall be located on the same side of the fire apparatus access roadway. (UFC Sec. 903.4.2.5) FDC locations shall be approved by the Chief. (1996 Oregon Structural Specialty Code, Sec. 904.1.1)
  - 8) ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION: Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any other construction on the site or subdivision. (UFC Sec. 8704)
  - 9) BUILDING SURVEY: A building survey and plans, in accordance with TVF&R Ordinance 99-01, Appendix III-F, shall be submitted. A copy of Appendix III-F, the building survey form and the instructions are available on the Fire District web site. To access this information via Internet, follow this link:

## **SECTION IX. PROCEDURE AND APPEAL INFORMATION**

### Notice:

Notice was posted at City Hall and mailed to:

- The applicant and owners
- Owner of record within the required distance
- Affected government agencies

### **Final Decision:**

**THIS DECISION IS FINAL ON SEPTEMBER 8, 2004 AND BECOMES EFFECTIVE ON SEPTEMBER 23, 2004 UNLESS AN APPEAL IS FILED.**

### Appeal:

The decision of the Director (Type II Procedure) or Review Authority (Type II Administrative Appeal or Type III Procedure) is final for purposes of appeal on the date that it is mailed. Any party with standing as provided in Section 18.390.040.G.1. may appeal this decision in accordance with Section 18.390.040.G.2. Of the Tigard Community Development Code which provides that a written appeal together with the required fee shall be filed with the Director within ten (10) business days of the date the notice of the decision was mailed. The appeal fee schedule and forms are available from the Planning Division of Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon 97223.

Unless the applicant is the appellant, the hearing on an appeal from the Director's Decision shall be confined to the specific issues identified in the written comments submitted by the parties during the comment period. Additional evidence concerning issues properly raised in the Notice of Appeal may be submitted by any party during the appeal hearing, subject to any additional rules of procedure that may be adopted from time to time by the appellate body.

**THE DEADLINE FOR FILING AN APPEAL IS AT 5:00 PM ON SEPTEMBER 22, 2004.**

Questions:

If you have any questions, please call the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon at (503) 639-4171.

PREPARED BY: \_\_\_\_\_  
Mathew Scheidegger  
Associate Planner

\_\_\_\_\_  
September 7, 2004  
DATE

APPROVED BY: \_\_\_\_\_  
Richard H. Bewersdorff  
Planning Manager

\_\_\_\_\_  
September 7, 2004  
DATE

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